



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,592	02/25/2000	Pulin R. Patel	067191.0110	7283
7590	08/24/2004		EXAMINER	
Baker Botts LLP 2001 Ross Avenue Dallas, TX 75201-2980			YUN, EUGENE	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 08/24/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary	Application No. 09/513,592	Applicant(s) PATEL ET AL.	
	Examiner Eugene Yun	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,46-70 and 88-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25,46-70 and 88-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15, 19, 20, 24, 25, 46, 48-61, 65, 66, 69, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Heuvel et al. (US 5,301,359 "cited in IDS") in view of Grube et al. (US 5,594,947) and Rahman et al. (US 6,101,379).

Referring to Claim 1, Van den Heuvel teaches a method for brokering resources of a wireless communication network, comprising:

receiving a request for a wireless service at a geographic region (see col. 4, lines 10-17);

determining an availability of the wireless service at the geographic region (see col. 3, lines 56-57); and

generating a first response to the request based on the availability of the wireless service, the response including one or more terms for the wireless service (see col. 4, lines 22-31).

Van den Heuvel does not teach selectively determining an availability of said wireless service at the geographic region based on the request. Grube teaches selectively determining an availability of said wireless service at the geographic region based on the request (see ABSTRACT). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to provide the teachings of Grube to said method of Van den Heuvel in order to better offer alternate wireless services based on geographic region.

The combination of Van den Heuvel and Grube does not teach selectively determining an availability of the wireless service for at least two service providers available at the geographic region based on said request, the first response also including at least one option between the at least two service providers and receiving a second response to the first response the second response selecting at least one of the at least two service providers to provide the wireless service. Rahman teaches selectively determining an availability of the wireless service for at least two service providers available at the geographic region based on said request (see col. 2, lines 33-36 and lines 10-12 of ABSTRACT), the first response also including at least one option between the at least two service providers (see col. 2, lines 36-40) and receiving a second response to the first response the second response selecting at least one of the at least two service providers to provide the wireless service (see col. 2, lines 40-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Rahman to said method of Van den Heuvel in order to better ensure that the mobile subscriber receives the lowest cost wireless service.

Referring to Claim 46, Van den Heuvel teaches a system for brokering resources of a wireless communication network, comprising:

computer implementable instructions encoded in at least one computer processable medium 206 (fig. 2); and

the instructions operable upon processing to receive a request for a wireless service at a geographic region (see col. 4, lines 10-17), determine an availability of the wireless service at the geographic region (see col. 3, lines 56-57), and generate a response to the request based on the availability of the wireless service, the response including one or more terms for the wireless service (see col. 4, lines 22-31).

Van den Heuvel does not teach selectively determining an availability of said wireless service at the geographic region based on the request. Grube teaches selectively determining an availability of said wireless service at the geographic region based on the request (see ABSTRACT). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Grube to said method of Van den Heuvel in order to better offer alternate wireless services based on geographic region.

The combination of Van den Heuvel and Grube does not teach selectively determining an availability of the wireless service for at least two service providers available at the geographic region based on said request, the first response also including at least one option between the at least two service providers and receiving a second response to the first response the second response selecting at least one of the at least two service providers to provide the wireless service. Rahman teaches selectively determining an availability of the wireless service for at least two service providers available at the geographic region based on said request (see col. 2, lines 33-36 and lines 10-12 of ABSTRACT), the first response also including at least one option between the at least two service providers (see col. 2, lines 36-40) and receiving a second response to the

first response the second response selecting at least one of the at least two service providers to provide the wireless service (see col. 2, lines 40-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Rahman to said method of Van den Heuvel in order to better ensure that the mobile subscriber receives the lowest cost wireless service.

Referring to Claims 2 and 48, Van den Heuvel also teaches the request identifying a time for the wireless service (see col. 4, lines 9-17), and determining the availability of the wireless service at the given time (see col. 3, lines 57-68 and col. 4, lines 1-2).

Referring to Claims 3 and 49, Van den Heuvel also teaches the request identifying a bandwidth for the wireless service, and determining the availability of the wireless service at the geographic region for the bandwidth (see col. 3, lines 1-10).

Referring to Claims 4 and 50, Van den Heuvel also teaches the request identifying a type of service for the wireless service, and determining the availability of the wireless service at the geographic region for the type of service (see col. 4, lines 36-46).

Referring to Claims 5 and 51, Van den Heuvel also teaches the request identifying a price for the wireless service, and determining the availability of the wireless service at the geographic region at the price (see col. 3, line 68 and col. 4, lines 1-2).

Referring to Claims 6 and 52, Van den Heuvel also teaches the request identifying a network provider for the wireless service, and determining the availability of

the wireless service at the geographic region from the network provider (see col. 4, lines 50-56).

Referring to Claims 7 and 53, Van den Heuvel also teaches the request identifying a service provider for the wireless service, and determining the availability of the wireless service at the geographic region from the service provider (see col. 3, lines 57-62).

Referring to Claims 8-13 and 54-59, Van den Heuvel also teaches the terms and the response comprising a price (see col. 3, line 68 and col. 4, lines 1-2), a time (see col. 4, lines 9-17), a type of service (see col. 4, lines 36-46), a bandwidth (see col. 3, lines 1-10), a network provider (see col. 4, lines 50-56), and service provider (see col. 3, lines 57-62) for the wireless service (see col. 4, lines 22-26).

Referring to Claims 14 and 60, Van den Heuvel also teaches the response comprising an offer for the wireless service, further comprising providing the wireless service in response to acceptance of the terms by a user (see col. 4, lines 22-31).

Referring to Claims 15 and 61, Van den Heuvel also teaches broadcasting the request to a plurality of network providers each having a wireless access network covering at least part of the geographic region (see col. 4, lines 36-46);

receiving a service plan from at least one of the network providers, the service plan based on an availability of the wireless service at the geographic region in the wireless access network of the network provider (see col. 4, lines 50-54); and

generating the response based on service plans from the network providers (see col. 4, lines 55-60).

Referring to Claims 19 and 65, Van den Heuvel also teaches a graphical user interface on a mobile device, the graphical user interface configured to receive the request for the wireless service at the geographic region (see col. 4, lines 56-60).

Referring to Claims 20 and 66, Van den Heuvel also teaches the GUI configured to receive a plurality of service criteria (see col. 4, lines 3-9), the service criteria comprising a geographic region (see col. 4, line 38), a price (see col. 3, line 68 and col. 4, lines 1-2), a time (see col. 4, lines 9-17), a type of service (see col. 4, lines 36-46), and a bandwidth (see col. 3, lines 1-10) for the wireless service.

Referring to Claims 24 and 69, Van den Heuvel also teaches negotiating at least one of a plurality of service criteria for the wireless service with a requester of the wireless service (see col. 4, lines 40-46), the service criteria comprising a geographic region (see col. 4, line 38), a price (see col. 3, line 68 and col. 4, lines 1-2), a time (see col. 4, lines 9-17), a type of service (see col. 4, lines 36-46), and a bandwidth (see col. 3, lines 1-10) for the wireless service.

Referring to Claims 25 and 70, Van den Heuvel also teaches the service criteria comprising at least one of a network provider (see col. 4, lines 50-56) and a service provider (see col. 3, lines 57-62).

3. Claims 88-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Heuvel in view of Erickson et al. (US 5,581,802) and Rahman.

Referring to Claim 88, Van den Heuvel teaches an interface for a mobile communication device operable to use wireless services in connection with a wireless communications network, comprising:

computer implementable instructions encoded in at least one computer processable medium 206 (fig. 2); and

the instructions operable upon processing to provide a user interface configured to receive a plurality of service criteria for generating a request for wireless services at a geographic region, the service criteria comprising a geographic region (see col. 4, line 38), a price (see col. 3, line 68 and col. 4, lines 1-2), a time (see col. 4, lines 9-17), a type of service (see col. 4, lines 36-46), and a bandwidth (see col. 3, lines 1-10) for the wireless service.

Van den Heuvel does not teach displaying a response to the request comprising available wireless services and terms for the available wireless services, wherein the available wireless services are determined based on the service criteria. Erickson teaches displaying a response to the request comprising available wireless services and terms for the available wireless services, wherein the available wireless services are determined based on the service criteria (see fig. 3 as well as col. 4, lines 62-67 and col. 5, lines 1-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Erickson to said method of Van den Heuvel in order to reduce multiple requests being made before access to a wireless service is gained.

The combination of Van den Heuvel and Erickson does not teach at least one option between the at least two service providers and receiving a second response to the first response the second response selecting at least one of the at least two service providers to provide the wireless service. Rahman teaches at least one option between the at least two service providers (see col. 2, lines 36-40) and receiving a second response to the first response the second response selecting at least one of the at least two service providers to provide the wireless service (see col. 2, lines 40-44 and last 6 lines of ABSTRACT). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Rahman to said method of Van den Heuvel in order to better ensure that the mobile subscriber receives the lowest cost wireless service.

Referring to Claim 89, Van den Heuvel also teaches the service criteria comprising at least one of a network provider (see col. 4, lines 50-56) and a service provider (see col. 3, lines 57-62).

Referring to Claim 90, Van den Heuvel also teaches a graphical user interface on a mobile device, the graphical user interface configured to receive the request for the wireless service at the geographic region (see col. 4, lines 56-60).

4. Claims 16, 17, 62, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Heuvel, Rahman and Grube in view of Jankowitz (US 6,064,972).

Referring to Claims 16 and 62, Van den Heuvel teaches a graphical user interface (GUI) configured to receive the request for the wireless service at the geographic region (see col. 4, lines 56-60). The combination of Van den Heuvel, Rahman and Grube does not teach providing an Internet site. Jankowitz teaches providing an Internet site (see 54 of fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Jankowitz to said method of Van den Heuvel in order to expand the number of resources available to a user to provide the best service.

Referring to Claims 17 and 63, Van den Heuvel also teaches the GUI configured to receive a plurality of service criteria (see col. 4, lines 3-9), the service criteria comprising a geographic region (see col. 4, line 38), a price (see col. 3, line 68 and col. 4, lines 1-2), a time (see col. 4, lines 9-17), a type of service (see col. 4, lines 36-46), and a bandwidth (see col. 3, lines 1-10) for the wireless service.

5. Claims 18, 21, 47, 64, 67, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Heuvel, Grube, Erickson, Rahman and Jankowitz in view of Craport et al. (US 5,961,569).

Referring to Claims 18, 21, 64, 67, and 91, the combination of Van den Heuvel, Grube, Erickson, Rahman and Jankowitz does not teach a graphical map displaying geographic areas for selection of the geographic region. Craport teaches a graphical map displaying geographic areas for selection of the geographic region (see col. 10, lines 25-44). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to provide the teachings of Craport to said method of Van den Heuvel in order to make it easier for the user to obtain the best available wireless service.

Referring to Claim 47, the combination of Van den Heuvel, Rahman and Grube does not teach software stored on a computer readable medium. Craport teaches software stored on a computer readable medium (see 921, 924, and 927 of fig. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Craport to said method of Van den Heuvel in order to make it easier for the user to obtain and later select the best available wireless service.

6. Claims 22, 23, 68, and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Heuvel, Grube, Rahman, and Erickson in view of Gerszberg et al. (US 6,424,646).

The combination of Van den Heuvel, Grube, Rahman, and Erickson does not teach voice activated commands configured to receive the request for the wireless service at the geographic region. Gerzberg teaches voice activated commands configured to receive the request for the wireless service at the geographic region (see col. 8, line 27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Gerszberg to said method of Van den Heuvel in order to make it easier for the user to obtain and select the best available wireless service.

Response to Arguments

7. Applicant's arguments filed 5/26/2004 have been fully considered but they are not persuasive.

Regarding Claims 1 and 46, the applicant argues that the Rahman reference does not teach selectively determining an availability of the wireless service for at least two service providers available at the geographic region based on said request. The examiner stands by his rejection by further pointing to the ABSTRACT of the Rahman reference which cites that "subsequent tariff inquiries are made to other potential candidate service providers accessible by the mobile terminal". That qualifies to the examiner as selectively determining an availability of the wireless service for at least two service providers available at the geographic region based on said request and therefore, that limitation is taught by Rahman.

Regarding Claim 88, the examiner cited Erickson as teaching the limitations of displaying a response to the request comprising available wireless services and terms for the available wireless services, wherein the available wireless services are determined based on the service criteria and the Rahman reference as teaching the limitations of at least one option between the at least two service providers and receiving a second response to the first response the second response selecting at least one of the at least two service providers to provide the wireless service. The argument only argued that Rahman did not teach all the above limitations while in the office action, the examiner combined the Rahman reference with the Erickson reference

to teach the above stated limitations. There was no argument against the Erickson and therefore, the examiner stands by his rejection.

Regarding the argument that the Van den Heuvel reference can not be combined with the Rahman reference due to the Van den Heuvel transmitting a single menu message time-to-time other than in response to an inquiry, the examiner disagrees. The examiner points to col. 4, lines 18-31 of the Van den Heuvel reference to point out that the bulletin board controller can in fact transmit a message in response to a registration request (see lines 22-26). Therefore, the Van den Heuvel reference can be combined with the Rahman reference.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eugene Yun
Examiner
Art Unit 2682

EY



VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600